# S.0 SUMMARY

## S.1 INTRODUCTION

This revised draft environmental impact report (DEIR) has been prepared to evaluate the potential environmental effects of the adoption and implementation of the proposed statewide on-site wastewater treatment system (OWTS) regulations as required by Assembly Bill (AB) 885 (and the related California Water Code sections, included in Appendix A of this DEIR) and the adoption and implementation of the proposed statewide waiver. Because the proposed waiver is substantially the same as the regulations, hereinafter, when this DEIR refers to the proposed project, it means both the proposed regulations and the proposed waiver. The proposed regulations would be adopted into Chapter 1, Division 5 in Title 27 Environmental Protection of the California Code of Regulations and administered by the State Water Board. They would also be incorporated into the water quality control plans (basin plans) of all nine Regional Water Quality Control Boards (Regional Water Boards). The Regional Water Boards would implement these regulations along with those authorized local agencies that would be given authority by the Regional Water Boards to implement and enforce the regulations.

This DEIR has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq*.) and the State CEQA Guidelines (Title 14, Section 15000 *et seq*. of the California Code of Regulations). As specified in Section 15367 of the State CEQA Guidelines, the public agency that has the principal responsibility for carrying out or approving a project is the lead agency for CEQA compliance. For purposes of the proposed project, the California State Water Resources Control Board (State Water Board) is lead agency under CEQA.

As stated in Section 15123(a) of the State CEQA Guidelines, "[a]n EIR shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical." As required by the State CEQA Guidelines, this summary includes (1) a summary description of the proposed project, (2) a synopsis of environmental impacts and recommended mitigation measures (see the table at the end of this chapter), (3) identification of the alternatives evaluated, and (4) a discussion of the areas of controversy associated with the proposed project.

## S.2 TYPE OF EIR

This DEIR is a program EIR intended to provide information at a more general level of detail on the potential impacts of implementing the proposed project. As described in detail in Chapter 2, "Project Description," the project involves the adoption and implementation of regulations associated with a statewide program. Subsequent, project-level CEQA compliance and environmental analysis at a regional or local level may be required.

## S.4 PROJECT OBJECTIVES

Based on the requirements of AB 885 and the intent of the state legislature in drafting the legislation, and in the context of other state laws relating to wastewater discharge and water quality, the State Water Board has identified the following objectives for the proposed project:

- In accordance with the requirements of AB 885, adopt statewide OWTS regulations and a statewide conditional waiver that are consistent with other provisions of the Porter-Cologne Water Quality Control Act and related state water quality control plans and policies adopted by the State Water Board.
- Adopt a statewide conditional waiver to comply with Section 13269 of the California Water Code.
- Help to ensure that public health and beneficial uses of the state's waters are protected from OWTS effluent discharges.

- Ensure that the development of the statewide regulations and conditional waiver consider economic costs, practical considerations for implementation, and technological capabilities existing at the time of implementation.

# S.5 PROJECT CHARACTERISTICS

## S.5.1 PROPOSED PROJECT—NEW STATEWIDE AB 885 REGULATIONS AND STATEWIDE CONDITIONAL WAIVER

The State Water Board proposes to adopt regulations and a statewide conditional waiver (waiver) that establish minimum requirements for the permitting, monitoring, and operation of OWTS, as required by AB 885.

The waiver allows owners of OWTS to discharge wastewater without having to file a report of waste discharge (and obtain WDRs) with a Regional Water Board as long as the existing or new OWTS and its owner comply with the applicable minimum requirements set forth in the waiver. Because the regulations and waiver contain requirements that are substantially the same requirements for OWTS, this document refers to the regulations; however, both elements are proposed for adoption as the project analyzed in this EIR.

In some cases, such as groundwater monitoring and septic tank inspections, the proposed regulations would impose new requirements on existing OWTS. In other cases, elements of the proposed regulations may already be in use but may vary around the state. See Chapter 3.0, "Regulatory Setting," for more information on the existing regulatory setting at the regional and local levels, including examples of regulations from representative municipalities in the state, presented for comparative purposes.

The proposed regulations have been drafted to fulfill the state mandate and address the seven requirements identified in AB 885 (the "seven points"). Table S-1 describes the seven points from AB 885 and where in the proposed regulations they are addressed. The regulations are proposed to be adopted by the State Water Board as Sections 30000 through 30040 of the California Code of Regulations, Title 27. The text that follows describes the major elements of the proposed regulations as they relate to the potential for the project to have an impact on the physical environment. Section references are references to specific sections in the proposed regulations, which are included in Appendix B of this EIR.

## S.5.2 IMPLEMENTATION OF THE PROPOSED REGULATIONS

As required by AB 885, the implementation of new statewide OWTS regulations would commence 6 months after the regulations are adopted by the State Water Board. The State Water Board would implement these regulations with a statewide conditional waiver of WDRs.

The proposed regulations would be largely self-implementing, requiring actions to be completed by the property owner/operator. The regulations would be overseen by the State Water Board and the Regional Water Boards. Local agencies (e.g., county and city departments and independent districts) would continue to oversee local siting approval and compliance with basin plans and local ordinances, as required under existing law. It is also important to note that the proposed regulations would not prevent Regional Water Boards or local agencies from maintaining and adopting OWTS requirements that are more protective of the environment and public health than the proposed regulations. The proposed regulations would be the minimum requirements for OWTS installation, operation, and maintenance throughout the state.

The proposed statewide waiver that would be established as part of the proposed project would be self-implementing as well. As long as a property owner ensures that his or her OWTS complies with the requirements of the regulations and the waiver, no additional permit or review would be required by the state. Failure to comply with the minimum statewide requirements for construction, operation, and maintenance of OWTS could result in

| Table S-1<br>The Proposed Regulations and the Seven Points of Assembly Bill 885 | |
|---|---|
| Required Point | Sections in the Regulations Where Addressed |
| Point 1: Minimum operating requirements | **Article 1, General Provisions:**<br>30001 SWRCB—Applicability<br>30002 SWRCB—General Requirements<br><br>**Article 3, Performance Requirements and Specifications:**<br>30013 SWRCB—Performance Requirements for Supplemental Treatment Components<br>30014 SWRCB—Dispersal Systems |
| Point 2: Requirements for impaired waters, including Clean Water Act Section 303(d)-listed waters | **Article 4, Protecting Impaired Surface Waters:**<br>30040, SWRCB—Applicability and Requirements |
| Point 3: Requirements authorizing local implementation | **Article 1, General Provisions:**<br>30001 SWRCB—Applicability, item (f) |
| Point 4: Requirements for corrective actions | **Article 1, General Provisions:**<br>30002 SWRCB—General Requirements, item (w) |
| Point 5: Minimum monitoring requirements | **Article 1, General Provisions:**<br>30002 SWRCB—General Requirements, items (s), (t), and (u)<br><br>**Article 2, Groundwater Level Determinations for New OWTS**<br>30012 SWRCB—Groundwater Level Monitoring<br><br>**Article 3, Performance Requirements and Specifications:**<br>30013 SWRCB—Performance Requirements for Supplemental Treatment Components, items (f), (g), and (h)<br>30014 SWRCB—Dispersal Systems, item (f) |
| Point 6: Exemption criteria | **Article 1, General Provisions:**<br>30001 SWRCB—Applicability, item (e)<br><br>**Article 2, Groundwater Level Determinations for New OWTS:**<br>30012 SWRCB—Groundwater Level Monitoring, item (b)(5)<br><br>**Article 4, Protecting Impaired Surface Water:**<br>30040 SWRCB—Applicability and Requirements, items (d) and (e) |
| Point 7: Requirements for determining when a system is subject to major repair | **Article 1, General Provisions:**<br>30000 SWRCB—Definitions |
| Source: Data compiled by EDAW in 2008 | |

enforcement pursuant to Chapters 4 or 5 of Division 7 of the California Water Code. As a result, the property owner could be required to cease the discharge, submit monitoring results, or submit a report of waste discharge to the Regional Water Board, along with the applicable fee, and the OWTS could be subject to individual WDRs as determined by the Regional Water Board.

## S.6 ALTERNATIVES

The State CEQA Guidelines (Section 15126.6) require that an EIR describe a range of reasonable alternatives to the project that could feasibly attain the basic objectives of the project and avoid and/or lessen the significant environmental effects of the project. The State Water Board has identified four alternatives for analysis in this EIR:

- No-Project (Status Quo) Alternative
- Prescriptive Alternative
- Matrix Alternative
- Supplemental Treatment Alternative

Chapter 6 of this DEIR provides a comparative analysis of the proposed project and the four alternatives. The text below and Table S-2 provide a brief summary of the alternatives to the proposed project. Other alternatives were considered but, for various reasons, have been rejected from further consideration in this EIR. These alternatives are described in Section 6.2, "Alternatives Eliminated from Further Consideration."

**Table S-2**
**Comparison of Impacts of the Alternatives with Those of the Proposed Project**

| Impact Area | No Project (Status Quo) Alternative | Prescriptive Alternative | Matrix Alternative | Supplemental Treatment Alternative |
|---|---|---|---|---|
| Water Quality and Public Health | Greater | Similar | Less | Less |
| Biological Resources | Greater | Similar | Similar | Less |
| Land Use | Similar | Similar | Greater | Greater |

Source: Prepared by EDAW in 2008

## S.6.1 NO-PROJECT ALTERNATIVE

### OVERVIEW

With the No-Project (Status Quo) Alternative, the existing regulatory setting as summarized in Chapter 3 and Tables 3-1 and 3-2 of this EIR would continue into the future. No new statewide OWTS regulations would be implemented; existing OWTS-related requirements in the Regional Water Boards' water quality control plans (basin plans) and local agency ordinances would continue to be inconsistent from one jurisdiction to another and would be the primary means by which OWTS are regulated. Therefore, OWTS siting, design, and construction standards would continue to vary around California, along with corrective actions, exemption criteria, minimum monitoring requirements, and requirements for determining when a system is subject to major repair.

### POTENTIAL ENVIRONMENTAL IMPACTS

With the No-Project (Status Quo) Alternative, as new OWTS are built, including approximately 110,000 new systems by 2013, the typical environmental impacts associated with new OWTS construction and discharges would continue to occur. These typical OWTS impacts, which are described in Chapter 4, "Environmental Analysis," include excavation of trenches and other earthwork that can cause the erosion of soil into nearby surface waters; operation of construction vehicles, resulting in traffic, emission of air pollutants, and generation of noise; and operation of septage pumper trucks, resulting in traffic, emission of air pollutants, generation of noise, and use of space in a landfill or capacity in a wastewater treatment plant. Discharges of effluent would continue at existing OWTS sites.

## S.6.2 PRESCRIPTIVE ALTERNATIVE

### OVERVIEW

This alternative represents the regulatory approach of providing prescriptive standards for OWTS siting, site monitoring, and performance standards and has been called by some the "one size fits all" approach. Although

this characterization is an oversimplification, this approach puts a heavy emphasis on standardized, comprehensive, and detailed requirements for the siting and design of OWTS. These requirements would primarily be based on the existing California Plumbing Code, which has been used by many California counties as the basis for their regulation of OWTS; thus, many of the standards used in this alternative are already being enforced in many of California's counties. The regulations under this alternative would be similar to an early draft of the OWTS regulations distributed to stakeholders in January 2003.

#### POTENTIAL ENVIRONMENTAL IMPACTS

The environmental impacts of the Prescriptive Alternative would for the most part be the same as, or similar to, those resulting from the proposed project. As described below, a few unique impacts would be associated with this alternative, and they would likely be limited to those counties where OWTS regulatory requirements are less environmentally protective than the types of prescriptive standards included in this alternative.

### S.6.3 MATRIX ALTERNATIVE

#### OVERVIEW

The intent of the Matrix Alternative is twofold: (1) to minimize the potential for OWTS to contaminate groundwater because systems (particularly OWTS with supplemental treatment components) are sited in areas with inadequate depth to groundwater, and (2) to reduce the potential for OWTS to be sited at a density that could overwhelm the ability of the soil to provide adequate treatment of effluent before it reaches groundwater. The Matrix Alternative focuses on these issues primarily through two mechanisms: restrictions on the size of lots and density of development at which OWTS are permitted, and more strict regulations for the siting and performance of OWTS with supplemental treatment components. It is called the "Matrix" Alternative because the lot size and density restrictions would be presented in a matrix format to accommodate the number of variables that would need to be considered.

#### POTENTIAL ENVIRONMENTAL IMPACTS

Given the restrictions relating to land use, soil percolation rate, engineered fill, and supplemental treatment performance requirements that are included in the Matrix Alternative, this alternative would likely restrict the number of new OWTS constructed in some areas of the state. Because OWTS are often constructed in relatively remote areas where construction or expansion of centralized sewer collection and treatment systems are typically not feasible, the restrictions included in this alternative could result in some lots not being developed at all and, in some areas, a shift in the construction of OWTS onto larger lots and in less dense development patterns than would occur under the proposed project and other alternatives.

### S.6.4 SUPPLEMENTAL TREATMENT ALTERNATIVE

#### OVERVIEW

The Supplemental Treatment Alternative is identical to the proposed project except for one major difference (Table 6-5). All new and replaced OWTS throughout the state would be required to use supplemental treatment after the new statewide regulations are adopted, and all existing conventional OWTS in the state would be required to be upgraded to include supplemental treatment components within 9 years from the date when the proposed regulations go into effect. The performance standards included in the proposed project for supplemental treatment components would be included in this alternative.

#### POTENTIAL ENVIRONMENTAL IMPACTS

This alternative has the potential to restrict development in areas throughout the state where conventional OWTS would no longer be allowed and OWTS owners cannot afford the higher costs associated with supplemental treatment (see Appendix G). The development-restricting potential of this alternative would likely be greatest in rural counties where personal incomes tend to be lower than in those areas that are within commuting range of higher-paying jobs in urban areas.

### S.6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As stated in State CEQA Guidelines Section 15126.6(e)(2), EIRs must identify the environmentally superior alternative. As described at the beginning of this chapter, the purpose of an alternative to the proposed project is to meet most of the project objectives while reducing significant impacts of the proposed project. Table 6-6 compares the relative environmental impacts of the four alternatives with the impacts of the proposed project.

Based on this analysis, the alternative that would be environmentally superior by meeting most of the project objectives while reducing significant impacts of the proposed project is the Supplemental Treatment Alternative. The Supplemental Treatment Alternative would require statewide supplemental treatment, resulting in reduced pollutant concentrations in groundwater and, potentially, in downstream surface waters. The alternative could indirectly result in restrictions on the amount of new OWTS development, and thus could cause preservation of agricultural land that might otherwise be developed under the proposed project or other alternatives. This alternative would reduce to a less-than-significant level the potentially significant and unavoidable impacts of nitrogen concentrations that exceed WQOs, as identified for the proposed project. For these reasons, the Supplemental Treatment Alternative would be environmentally superior to the proposed project or other alternatives.

The Supplemental Treatment Alternative could, however, also result in significant and unavoidable impacts relating to conflicts with land use plans and policies of local jurisdictions. In addition, the costs associated with implementing this alternative—in particular, the cost to all OWTS owners of replacing their existing conventional systems with systems that include supplemental treatment components, but also the increased cost to new property owners of installing supplemental treatment instead of conventional OWTS—could be determined to make it infeasible as a statewide regulatory approach to OWTS construction and operation. In that case, the environmentally superior of the remaining alternatives would be the proposed project, which would result in improved conditions compared to existing regulatory structure but would continue to result in adverse impacts on groundwater and potentially on downstream surface waters, unless mitigation measures are implemented that are similar to the potentially infeasible elements of the Supplemental Treatment Alternative.

## S.7 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Chapter 4 of this DEIR evaluates in detail the environmental impacts that would result from implementation of the proposed project and sets forth mitigation measures required to avoid or reduce environmental impacts, where feasible. Section 7.1 describes the potential for the proposed project to have growth-inducing impacts. Section 7.2 evaluates the potential cumulative impacts. Table S-3 (at the end of this chapter) lists each of the environmental impacts of the proposed project, then presents the level of significance of each impact before mitigation, mitigation measures for significant and potentially significant impacts, and the level of significance of each impact after mitigation. It also lists the significant cumulative effects to which the proposed project would contribute. As shown in Table S-3, implementation of the proposed project could significantly affect a number of environmental resources and issue areas, but mitigation is included to reduce these impacts to a less-than-significant level, where feasible. A discussion of significant and unavoidable impacts is provided in Section 7.3 of this DEIR.

## S.8 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Section 15123 of the State CEQA Guidelines requires that a summary of an EIR identify areas of controversy known to the lead agency, including issues raised by agencies and the public. During the public comment period for the notice of preparation/initial study (NOP/IS), various comment letters were received regarding the proposed project. Appendix C of this DEIR includes the NOP/IS and comments received in writing. In general, areas of potential controversy known to the State Water Board include:

- Approach to the regulations—the need to identify an appropriate level of protection for public health and groundwater quality, the need for consistent statewide regulations
- Monitoring—questions about the need for and applicability of domestic well monitoring
- Costs—concerns about the costs of increasing the level of treatment where required because of siting constraints compared to benefits received by property owners, the increased cost to develop property, and the increased cost for local agencies of enforcing the regulations
- Section 303(d)-listed waters—requests for additional detail about proposed setbacks, concerns about effects on people living near impaired water bodies, the costs of increasing the level of treatment
- Regulatory effects—additional workload for Regional Water Board and/or local agency staff that cannot be accommodated within existing budgets, concerns about impairing the ability of local agencies to protect water quality, need to identify circumstances for allowing variances, differences between regulations and California Plumbing Code
- Property development—concerns about whether siting requirements will limit property development

These issues were considered in the preparation of this DEIR and, where appropriate, are addressed in the environmental impact analyses presented in Chapter 4.

## S.9 PUBLIC PARTICIPATION AND ADDITIONAL STEPS IN THE CEQA REVIEW PROCESS

This DEIR is being circulated to local, state, and federal agencies involved with the project and is being made available to interested organizations and individuals who may wish to review and comment on the report. The public review period begins on November 7, 2008, and ends on February 9, 2009. During that period, written comments on the environmental document may be sent to the State Water Board at the following address:

Todd Thompson, P.E., Program Manager
State Water Resources Control Board
Division of Water Quality
P.O. Box 2231
Sacramento, CA 95812-2231
e-mail: ab885@waterboards.ca.gov

Copies of the DEIR can be reviewed at the following locations:

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
916/341-5250

The DEIR is available on the State Water Board's Web site at http://www.waterboards.ca.gov/water_issues/programs/septic_tanks/.

The DEIR has been sent to and is available at the following libraries:

San Diego Public Library
820 E Street
San Diego, CA 92101-6478

Los Angeles Public Library
630 West 5th Street
Los Angeles, CA 90071

Riverside Central Library
3711 Central Avenue
Riverside, CA 92506

Palmdale City Library
700 East Palmdale Boulevard
Palmdale, CA 93550

Kern County Library
701 Truxton Avenue
Bakersfield, CA 93301

San Francisco Public Library
Stegner Environmental Center/Civic Center
100 Larkin Street
San Francisco, CA 94102

Fairfield-Suisun Community Library
1150 Kentucky Street
Fairfield, CA 94533

Shasta County Library
1100 Parkview Avenue
Redding, CA 96001

Salinas Public Library
350 Lincoln Avenue
Salinas, CA 93901

Orange County Public Library
1501 E. St. Andrew Place
Santa Ana, CA 92705

Fresno County Public Library
2420 Mariposa Street
Fresno, CA 93721

Riverside County Library
Palm Desert Branch
73-300 Fred Waring Drive
Palm Desert, CA 92260-4434

Norman Feldheym Central Library
555 West 6th Street
San Bernardino, CA 92410

Modesto-Stanislaus Central Library
1500 I Street
Modesto, CA 95354

Sacramento Central Library
828 I Street
Sacramento, CA 95814

Central Sonoma County Library
Third and E Street
Santa Rosa, CA 95404

Humboldt County Library
1313 Third Street
Eureka, CA 95501

San Luis Obispo City-County Library
P.O. Box 8107
995 Palm Street
San Luis Obispo, CA 93401

During the public review period on the DEIR, a series of meetings will be held to inform agencies and the public about the proposed project and to provide additional opportunities for public comment on the DEIR. The public meetings are scheduled for the following dates and locations:

| Date | City | Address | Time |
|---|---|---|---|
| Monday, December 8, 2008 | Mariposa | Mariposa County Board of Supervisors Chamber<br>5100 Bullion Street | 7:00 p.m. |
| Tuesday, December 9, 2008 | San Andreas | Calaveras County Board of Supervisors Chamber<br>891 Mountain Ranch Road | 7:00 p.m. |
| Wednesday, December 10, 2008 | Nevada City | Nevada County Board of Supervisors Chamber<br>Eric W. Rood Administrative Center<br>950 Maidu Avenue | 7:00 p.m. |
| Thursday, December 11, 2008 | Susanville | Lassen County Fairground, Jenson Hall<br>195 Russell Avenue | 7:00 p.m. |
| Thursday, December 18, 2008 | Redding | Shasta County Board of Supervisors Chamber<br>1450 Court Street | 7:00 p.m. |
| Tuesday, January 13, 2009 | Bishop | Tri-County Fairground<br>Sierra Street at Fair Drive | 7:00 p.m. |
| Wednesday, January 14, 2009 | Riverside | Riverside County Supervisors Chamber<br>4080 Lemon Street | 7:00 p.m. |
| Thursday, January 15, 2009 | Malibu | Malibu High School<br>30215 Morning View Drive | 7:00 p.m. |
| Thursday, January 22, 2009 | Fresno | Fresno Unified School District Board Chamber<br>2309 Tulare Street | 7:00 p.m. |
| Tuesday, January 27, 2009 | Santa Rosa | Wells Fargo Center for the Arts, Merlot Theatre<br>50 Mark West Springs Road | 7:00 p.m. |
| Wednesday, January 28, 2009 | Eureka | Eureka High School Auditorium<br>1915 J Street | 7:00 p.m. |
| Monday, February 9, 2009 | Sacramento | Cal EPA Building, Byron Sher Auditorium<br>1001 I Street | 1:30 p.m. |

Following the close of the public comment period, the State Water Board will prepare a final EIR (FEIR) that provides responses to comments on environmental issues addressed in the DEIR. Proposed responses to comments will be circulated to public agencies for review. A public hearing on the FEIR will be held by the State Water Board in the hearing room at the California Environmental Protection Agency building, 1001 I Street, Sacramento, California. Public comments on the FEIR will be accepted at this hearing before the State Water Board decides whether to certify the EIR and approve the proposed project.

**Table S-3**
**Summary of Project Impacts and Mitigation Measures**

| Impacts | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation |
|---|---|---|---|
| **4.1 Water Quality and Public Health** | | | |
| **4.1-1:** Direct Impacts Associated with Construction of OWTS in Areas Other Than Targeted Areas of Impairment. | LTS | No mitigation is required. | N/A |
| **4.1-2:** Direct Impacts Associated with Construction of OWTS in Targeted Areas of Impairment. | PS | **4.1-2:** Modify the Proposed Regulations to Require Implementation of Erosion and Sediment Control Measures during OWTS-Related Construction Activities in Targeted Areas of Impairment.<br><br>Modify Article 4: "Protecting Impaired Surface Water," Section 30040 "SWRCB – Applicability and Requirements" to require implementation of construction BMPs that reduce the potential for runoff and minimize discharge of sediment into nearby drainage conveyances during all construction activities related to installation of new OWTS or replacement of existing OWTS in targeted areas of impairment. These BMPs may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation. | LTS |
| **4.1-3:** Direct Impacts Associated with Pathogen Contamination Caused by Operation of OWTS Statewide. | LTS | No mitigation is required. | N/A |
| **4.1-4:** Direct Impacts Associated with Pathogen Contamination Caused by Operation of OWTS with Seepage Pits Statewide. | PS | **4.1-4:** Modify Section 30014(k)(3) to Require All Seepage Pits to Have At Least 2 Feet of Soil Below the Bottom of the Seepage Pit, and for Seepage Pits with Between 2 and 10 feet of Soil below the Bottom of the Seepage Pit to Include a Supplemental Treatment Unit That Provides the Maximum Level of Disinfection.<br><br>Section 30014(k)(3) shall be modified as follows:<br><br>(k) Seepage Pits shall be designed on sidewall area as the infiltrative surface and are allowed where the following conditions apply:<br><br>(1) a qualified professional has determined that the site is unsuitable for other types of dispersal systems due | LTS |

NI = No Impact B = Beneficial LTS = Less than Significant S = Significant PS = Potentially Significant SU = Significant and Unavoidable

**Table S-3**
**Summary of Project Impacts and Mitigation Measures**

| Impacts | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation |
|---|---|---|---|
| | | to soil properties or amount of area available at the site;<br>(2) the bottom of the seepage pit is a minimum of ten feet above seasonal high groundwater level; and<br>(3) the site meets one of the conditions:<br>(A) A minimum of ten feet of unsaturated, undisturbed soil exists below the bottom of the seepage pit and above the seasonal high groundwater level, impervious layer, or bedrock. All strata to a depth of 10 feet below the pit bottom are free of groundwater in accordance with §30012; or<br>(B) a seepage pit may have less than 10 feet of unsaturated, undisturbed soil below the bottom of the seepage pit and above the seasonal high groundwater level, impervious layer, or bedrock, but no less than two feet of unsaturated, undisturbed soil, when supplemental treatment components are used to meet the performance requirements specified in §30013(b), and §30013(c)(1).~~;or~~<br>~~a seepage pit may have less than two feet of unsaturated, undisturbed soil beneath the bottom of the seepage pit when supplemental treatment components are used to meet the performance requirements specified in §30013(b), and §30013(c)(1).~~ | |
| **4.1-5:** Direct Impacts Associated with Nitrogen Contamination Caused by Operation of OWTS in Areas Other than in Targeted Areas Next to Nutrient Impaired Water Bodies. | S | **4.1-5:** Modify the Regulations to Include the Requirement That All New or Replaced OWTS, Regardless of the Dispersal System Design, Shall Include a Supplemental Treatment Unit That Provides Nitrogen Removal. | LTS/SU |

NI = No Impact B = Beneficial LTS = Less than Significant S = Significant PS = Potentially Significant SU = Significant and Unavoidable

**Table S-3**
**Summary of Project Impacts and Mitigation Measures**

| Impacts | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation |
|---|---|---|---|
| | | Section 30002 and Section 30014(k) shall be modified to include the following additional requirements:<br>To Section 30002 add:<br>(x) All new and replaced OWTS shall be designed to meet the performance requirements for supplemental treatment contained in Section 30013(b) and Section 30013(d).<br>and<br>Modify Section 30014(k) to include the additional condition that the OWTS must include a supplemental treatment unit that meets the performance requirement specified in Section 30013(d). | |
| **4.1-6:** Direct Impacts Associated with Nitrogen Contamination Caused by Operation of OWTS in Targeted Areas of Impairment Next to Impaired Water Bodies with Nutrient Impairment. | LTS | No mitigation is required. | N/A |
| **4.1-7:** Direct Impacts Associated with Nitrogen Contamination Caused by Operation of OWTS with Seepage Pits Statewide. | S | **4.1-7:** Implement Mitigation Measure 4.1-5, "Modify the Regulations to Include the Requirement That All New or Replaced OWTS, Regardless of the Dispersal System Design, Shall Include a Supplemental Treatment Unit That Provides Nitrogen Removal." | LTS |
| **4.1-8:** Direct Impacts Associated with Contamination from Other Constituents of Concern from Operation of OWTS Statewide. | No conclusion | No mitigation is required | N/A |
| **4.1-9:** Indirect Impacts Where Local Regulations Are More Environmentally Protective Than Those Included in the Proposed Project. | No conclusion | No mitigation is required. | N/A |
| **4.1-10:** Indirect Impacts Associated with Increased Septic Tank Pumping and Septage Hauling and Treatment Statewide. | LTS | No mitigation is required. | N/A |

NI = No Impact B = Beneficial LTS = Less than Significant S = Significant PS = Potentially Significant SU = Significant and Unavoidable

**Table S-3**
**Summary of Project Impacts and Mitigation Measures**

| Impacts | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation |
|---|---|---|---|
| **4.2 Biological Resources** | | | |
| **4.2-1:** Impacts on Fisheries, Sensitive Habitats and Communities, Special-Status Species, and Federally Protected Wetlands from Construction of OWTS in Areas Other Than Targeted Areas of Impairment. | LTS | No mitigation is required. | N/A |
| **4.2-2:** Impacts on Fisheries, Sensitive Habitats and Communities, Special-Status Species, and Federally Protected Wetlands from Construction of OWTS in Targeted Areas of Impairment. | PS | **4.2-2:** Implement Mitigation Measure 4.1-2, "Modify the Proposed Regulations to Require Implementation of Erosion and Sediment Control Measures during OWTS-Related Construction Activities in Targeted Areas of Impairment." This mitigation measure is described in detail in Section 4.1, "Water Quality and Public Health." | LTS |
| **4.2-3:** Indirect Impacts on Biological Resources from Pathogen Contamination Caused by Operation of OWTS Statewide. | LTS | No mitigation is required. | N/A |
| **4.2-4:** Indirect Impacts on Biological Resources from Pathogen Contamination Caused by OWTS with Seepage Pits Statewide. | PS | **4.2-4:** Implement Mitigation Measure 4.1-4, "Modify Section 30014(k)(3) to Require All Seepage Pits to Have At Least 2 Feet of Soil below the Bottom of the Seepage Pit , and for Seepage Pits with Between 2 and 10 feet of Soil below the Bottom of the Seepage Pit to Include a Supplemental Treatment Unit That Provides the Maximum Level of Disinfection." This mitigation measure is described in detail in Section 4.1 "Water Quality and Public Health." | LTS |
| **4.2-5:** Indirect Impacts on Biological Resources from Nitrogen Contamination Caused by Operation of OWTS in Areas Other Than Targeted Areas Next to Impaired Water Bodies with OWTS-Related Nutrient Impairment. | LTS | No mitigation is required. | N/A |
| **4.2-6:** Indirect Impacts on Biological Resources from Nitrogen Contamination Caused by Operation of OWTS in Targeted Areas Next to Impaired Water Bodies with OWTS-Related Nutrient Impairment. | LTS | No mitigation is required. | N/A |

NI = No Impact B = Beneficial LTS = Less than Significant S = Significant PS = Potentially Significant SU = Significant and Unavoidable

**Table S-3**
**Summary of Project Impacts and Mitigation Measures**

| Impacts | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation |
|---|---|---|---|
| **4.2-7:** Indirect Impacts on Biological Resources from Operational Discharges of Other Constituents of Concern Caused by OWTS Statewide. | No conclusion | No mitigation is required | N/A |
| **4.3 Land Use and Planning** | | | |
| **4.3-1:** Conflicts With Applicable Land Use Plans, Policies, or Regulations Adopted for the Purpose of Avoiding or Mitigating An Environmental Effect. | LTS | No mitigation is required. | N/A |
| **4.3-2:** Conflicts Between Adopted Habitat Conservation Plans or Natural Community Conservation Plans. | LTS | No mitigation is required. | N/A |



NI = No Impact B = Beneficial LTS = Less than Significant S = Significant PS = Potentially Significant SU = Significant and Unavoidable